



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.259 OF 2025

Chirkut Laxman Chandel (sic Chandele)

Vs.

The State of Maharashtra, through Police Station Officer, Police Station,
Ramtek District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.P. Joshi, Counsel for the applicant.
Mrs. H.N. Prabhu, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/03/2025

1. By this application the applicant is seeking regular bail, who came to be arrested on 08/08/2024, in connection with Crime No.556/2024, registered with Ramtek Police Station District Nagpur, for the offences punishable under Sections 109, 103, 352 read with Section 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS').

2. The crime is registered on the basis of the report lodged by wife of deceased on an allegation that on 06.08.2024 there was a quarrel between the present applicant and her husband. The present applicant has lifted the plastic stool and thrown on the person of the deceased. Therefore, deceased fell on the ground and sustained head injury and during

treatment succumbed to death. On the basis of said report police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that from the statements of the witnesses and even from the recitals of the FIR it reveals that there was a sudden quarrel between the present applicant and the deceased. On that count, the present applicant thrown the plastic stool on the person of the deceased and due to which the deceased fell on the ground and sustained head injury. Thus, there was neither intention nor knowledge to cause death of the deceased. Now investigation is already completed. The charge-sheet is already filed. He submitted that even the case would not fall under the culpable homicide not amounting to murder. Thus, considering all these aspects the applicant be released on bail.

4. Learned APP strongly opposes the said application and submitted that earlier application for bail was withdrawn. She also invited my attention towards the statements of the witnesses and contended that from the statement of the witnesses intention of the present applicant can be gathered. Thus, considering the gravity of the offence the application deserves to be rejected.

5. After hearing both the sides and on perusal of investigation papers it reveals that, there was incident of abusing between the present applicant and deceased. Due to which there was manhandling by both of them and on that count, the present applicant has thrown the stool on the person of the deceased. Due to which he fell on the ground, sustained the head injury and died.

6. From the investigation papers it reveals that there was no preparation before the incident. Whatever happened is sudden and during the sudden fight and sudden quarrel, the stool was thrown towards the deceased and deceased sustained injury and died after four days. Whether it is a culpable homicide amounting to murder or not amounting to murder it is a matter of evidence. At this stage, considering the circumstances under which the alleged incident has taken place it apparently shows that in a sudden fight and sudden quarrel the deceased had sustained injury and succumbed to the death. Now investigation is already completed. Charge-sheet is already filed. Further incarceration of the applicant is not required.

7. In view of that, the application deserves to be allowed. Accordingly I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Chirkut Laxman Chandel** shall be released on bail in connection with Crime No.556/2024 registered with Ramtek Police Station District Nagpur, for the offences punishable under Sections 109, 103, 352 read with Section 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') on executing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case.

(iv) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(v) Contravention of any of the condition imposed would lead to cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)